

JS-CAND 44 (Rev. 07/19)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ERIN LEIGH MAHER, JASON REINDORF, NICK MEDINA, MONICA CALMET, SOUTH OF MARKET BUSINESS ASSOCIATION, 570 JESSIE LLC, SIERRAC LLC dba MONTESACRO PINSERIA ROMANA, MEGALI SOUVLA INC. dba SOUVLA, DESIGN LIKE WHOA, LLC

(b) County of Residence of First Listed Plaintiff San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Zacks, Freedman & Patterson PC; 235 Montgomery St., Ste. 400, San Francisco, CA 94104; 415-956-8100; Andrew M. Zacks (SBN 147794); Sarah M.K. Hoffman (SBN 308568)

DEFENDANTS

CITY AND COUNTY OF SAN FRANCISCO, a municipal entity

County of Residence of First Listed Defendant San Francisco
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

City Attorney of San Francisco; City Hall, Room 234, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; 415-554-4700

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	PERSONAL PROPERTY	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	370 Other Fraud	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	371 Truth in Lending	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	380 Other Personal Property Damage	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	385 Property Damage Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury		IMMIGRATION	862 Black Lung (923)	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice		462 Naturalization Application	863 DIWC/DIWW (405(g))	490 Cable/Sat TV
196 Franchise	CIVIL RIGHTS	PRISONER PETITIONS	465 Other Immigration Actions	864 SSID Title XVI	850 Securities/Commodities/Exchange
REAL PROPERTY	440 Other Civil Rights	HABEAS CORPUS		865 RSI (405(g))	890 Other Statutory Actions
210 Land Condemnation	441 Voting	463 Alien Detainee		FEDERAL TAX SUITS	891 Agricultural Acts
220 Foreclosure	442 Employment	510 Motions to Vacate Sentence		870 Taxes (U.S. Plaintiff or Defendant)	893 Environmental Matters
230 Rent Lease & Ejectment	443 Housing/Accommodations	530 General		871 IRS—Third Party 26 USC § 7609	895 Freedom of Information Act
240 Torts to Land	445 Amer. w/Disabilities—Employment	535 Death Penalty			896 Arbitration
245 Tort Product Liability	446 Amer. w/Disabilities—Other	OTHER			899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	448 Education	540 Mandamus & Other			950 Constitutionality of State Statutes
		550 Civil Rights			
		555 Prison Condition			
		560 Civil Detainee—Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation—Transfer ☐ 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC § 1983 (see attached)

Brief description of cause:

Violation of Due Process/Takings (see attached)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

DATE 07/16/2020

SIGNATURE OF ATTORNEY OF RECORD

Causes of Action

1. Public Nuisance (Civil Code § 3479)
2. Private Nuisance (Civil Code § 3501)
3. Negligence
4. Violation of Due Process / Takings (42 U.S.C. § 1983; U.S. Const. Amend. V/XIV)
5. Inverse Condemnation (Cal. Const. art. I § 19)
6. Violation of Equal Protection (42 U.S.C. § 1983; U.S. Const. Amend. V/XIV)
7. Violation of Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 *et seq.*)
8. Violation of Section 504 of the Rehabilitation Act (29 U.S.C. §§ 794 *et seq.*)
9. Violation of California Disabled Persons Act (Civil Code § 54 *et seq.*)
10. Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)